

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 9336 of 2005

Between:

1. Bhoomireddy Chinna Varada Reddy, s/o Narayana Reddy,
aged 27 years, R/o Chinnadudyala Village, Muddanur Mandal,
Kadapa District.
2. Sanam Rajasekhar Reddy, s/o Rami Reddy, Aged 51 years,
r/o Chinndudyala Village, Muddanur Mandal, Kadapa District.
3. Galam Pedda Eswaraiah, s/o Pedda Balaiah, Hindu, Aged 36
years,
r/o Chinnadudyala Village, Muddanur Mandal, Kadapa District.

..... PETITIONERS

AND

- 1 The District Collector-cum-District Election Authority,
Kadapa District, Kadapa.
- 2 The Mandal Revenue Officer-cum-Election Officer, Muddanur
Mandal, Muddanur, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not preparing the voters list of Chinnadudyala Water Users Association of Muddanur Mandal in Kadapa District as per Rule 9 of AP Farmers Management of Irrigations System (Delineation and Formation of Water Users Associations) Rules 2003 before conducting election on 25-04-2005 as illegal, unjust, arbitrary, discriminative, highhanded and against the principles of natural justice and also against Rule 9 of A.P.Farmers Management of Irrigations System (Delineation and Formation of Water Users Associations) Rules 2003 and against statutory provisions and consequently direct the respondents to prepare voters list as per Rule 9 of the Rules before conducting elections and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondent 1 & 2. GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

The petitioners are the landholders of Chinnadudyala Water Tank and in the year 1997, elections were conducted to the Water Users Association of the Village. While so, under the Amended Act and the AP Farmers Management of Irrigation Systems (Amendment) Act, 2003, the voters list was prepared on 21.4.2005, in derogation of Rules, more particularly Rule 8 which mandates that under Sub-Rule (2), the list shall be revised three months before the commencement of the elections in the manner prescribed. It is submitted that surprisingly, the names of the petitioners does not find place in the voters list. Therefore, they filed the instant writ petition.

The records show that the election process started from 4.4.2005 on

which date final publication of the voters lists of Chinnadudyala village Water Users Association was published. As per Rule 9 (6) of the Rules, after receiving the objections, if any, the District Collector, or the authorised Officer shall consider all such objections within a week and finalize such lists, by appending the names of the deleted or incorporated, at the end of each list and a final notice thereof shall be published in form I in respect of the voters list and be made available for verification. It is submitted that the petitioners have not filed any objections, as contemplated under the Rules, before the District Collector. On the other hand, it is asserted that they are made available the copy of the final publication of the list, on the evening of 21.4.2005. This assertion requires verification. Therefore, at this point of time, the extraordinary jurisdiction of this court under Article 226 of the Constitution of India, cannot be invoked and the election process cannot be stalled, as such I do not see any reason to entertain the writ petition and it is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

April 23, 2005

MAS.

To

- 1) The District Collector-cum-District Election Authority,
Kadapa District, Kadapa.
- 2) The Mandal Revenue Officer-cum-Election Officer, Muddanur
Mandal, Muddanur, Kadapa District.
- 3) 2 copies to the GP for Irrigation and Command Area
Development, A.P High Court Buildings, Hyderabad(OUT)
- 4) 2 CD copies

*Form-NIC-OGS/WP{**RS**}*